

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: NAVIDEA BIOPHARMACEUTICALS
LITIGATION

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/23/2021

Case No.: 1:19-cv-01578-VEC

ECF Case

~~PROPOSED~~ **SO-ORDERED STIPULATION REGARDING EXPERT DISCOVERY**

WHEREAS, on September 25, 2020, Plaintiff Navidea Biopharmaceuticals, Inc. (“Navidea”) and Defendant Dr. Michael M. Goldberg (“Dr. Goldberg”) (collectively, the “Parties”) filed a Joint Letter updating the Court regarding the status of discovery which, *inter alia*, addressed Dr. Goldberg’s request that the Court schedule deadlines for expert discovery in this matter, including on the issue of damages [ECF No. 137];

WHEREAS, on June 15, 2021, the Parties filed a Joint Letter updating the Court regarding the status of discovery which, *inter alia*, proposed a schedule relating to deadlines for expert discovery in this matter [ECF No. 208];

WHEREAS, on July 6, 2021, during the Pretrial Conference of this matter, the Court directed the Parties to determine their own schedule regarding deadlines for expert discovery and ordered that all expert discovery is to be completed by November 30, 2021;

WHEREAS, pursuant to the Memo Endorsement on the Letter Response entered on July 22, 2021, “[n]o later than July 28, 2021, the parties must meet and confer on all internal expert discovery deadlines, including when experts will be identified, when reports are due, and when experts will be deposed, and submit a stipulated schedule” [ECF No. 215];

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the Parties, that the Parties are to:

1. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(A) with the name, curriculum vitae, and general subject matter of testimony of any expert it may use in its case-in-chief no later than August 27, 2021;
2. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(A) with the report of any expert it may use in its case-in-chief no later than September 30, 2021;
3. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(D) with the name, curriculum vitae, and general subject matter of testimony of any expert it may use solely to contradict or rebut evidence on the same subject matter identified pursuant to Paragraph 1 no later than October 15, 2021;
4. Provide each other party pursuant to Fed. R. Civ. P. 26(a)(2)(D) with the report of any expert identified pursuant to Paragraph 3, it may use solely to contradict or rebut evidence on the same subject matter identified pursuant to Paragraph 1 no later than November 15, 2021;
5. Make available for deposition any expert that issues a report pursuant to Paragraphs 2 and 4 no later than November 30, 2021;
6. No later than October 17, 2021, each party must tell the other whether it wants to depose an expert identified pursuant to Paragraph 1;
7. No later than October 20, 2021, if the opponent does want to depose the expert, the proffering party must provide 3 days on which the deposition can be taken between November 8, 2021 and November 18, 2021;

8. No later than October 22, 2021, the parties must meet and confer and finalize a stipulation to be submitted to the Court, setting forth the date, time and location of the depositions of the experts;

9. No later than November 16, 2021, each party must tell the other whether it wants to depose a rebuttal expert identified pursuant to Paragraph 3;

10. No later than November 17, 2021, if the opponent does want to depose the expert, the proffering party must provide 3 days on which the deposition can be taken between November 22, 2021 and November 30, 2021; and

11. No later than November 23, 2021, the parties must meet and confer and finalize a stipulation to be submitted to the Court, setting forth the date, time and location of the depositions of the rebuttal experts.

Dated: New York, New York
September 22, 2021

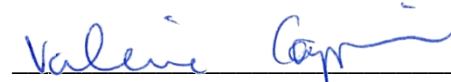
/s/ Barry M. Kazan
Barry M. Kazan
Mintz & Gold LLP
600 Third Avenue, 25th Floor
New York, New York 10016
Tel.: (212) 696-4848
Fax: (212) 696-1231
Kazan@mintzandgold.com

*Attorneys for Plaintiff / Counterclaim Defendant
Navidea Biopharmaceuticals, Inc. and
Third-Party Defendant
Macrophage Therapeutics, Inc.*

/s/ Gregory Zimmer
Gregory Zimmer
360 Lexington Avenue, Suite 1502
New York, New York 10017
Tel.: (914) 402-5683
Fax: (914) 402-5683
GZimmer@GZimmerLegal.com

*Attorneys for Defendant / Counterclaim Plaintiff /
Third-Party Plaintiff
Michael M. Goldberg M.D.*

Date: 9/23/2021



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE